

Legal protection of domains in relation to the right of indication

The subject of this thesis is a legal protection of domain names. Domain names are used as humanly memorable names for Internet and serve as simple address to access websites. Each domain name has to be unique, it is not possible to register two or more identical names. This makes them very valuable and worth of protecting. The registration process of domain names is very simple and cheap, mostly based on the principle “*first come, first served*”. No one has an automatic right to a particular name. This cause many conflicts, because the principles of registration are often abused by domain speculators. However, the domain names are not subject of special legal regulation in the most countries (Czech republic included).

The thesis is composed of two parts. The first part is divided in five chapters. Initiative chapters are focused on defining the concept of domain names, their technical aspects, hierarchical structure and types. In this part is also mentioned Internet Corporation for Assigned Names and Numbers (ICANN) and its Uniform Dispute Resolution Policy (UDRP). Further, this part contains a description of the registration process of domain names under the country-code top level domain “.cz” (ccTLD.cz) and the legal aspects of domain names within the frame of Czech system of law.

Second part of this thesis is focused on legal protection of domain names. In chapters six, seven and eight is described, how to protect the domain names with rights of indication, namely with trademarks, company names, geographical indications and appellations of origin. In this chapters are analyzed advantages and limits of this kind of legal protection of domain names. The ninth chapter looks at the ways, how to solve the disputes over domains in front of civil courts or arbitration courts and which legal claims would be appropriate to use. This chapters are primarily based on analysis of previous decisions of Czech courts.

The aim of the thesis is not to provide complex overview of all legal aspects of domain names. The purpose of the thesis is to analyze the protection of domain names with rights to indication and point out the limits of this kind of protection, because it is not suitable for every domain name.